IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3977 OF 2007

Hasmukh Shah ..... ..... .....Applicant
V/s
Bharat Gupta & Anr. ..... ..... ... ...Respondents.

Mr.Manoj Mohite, Adv. For the applicant.

Mr.B.B.Gupta, Advocate-in-person.

Mrs.M.H.Mhatre, APP for respondent No.2.

**CORAM: A.P.DESHPANDE, J.**
6/12/07

PC:

Mentioned. Not on board.

This criminal application filed under section 482 of Code of Criminal Procedure by the accused under section 138 of Negotiable Instruments Act seeks to compound the offence as the offence is compoundable. The trial Court convicted the applicant and an appeal against the conviction has been dismissed by the Sessions Court. Hence this application. The respondent No.1-complainant has filed an affidavit. He admits that the dispute has been resolved by entering into settlement and under the said settlement complainant has received the entire amount. The complainant who is practising advocate is appearing in person and submits that an appropriate order in terms of prayer clause (a) be made. In view of the fact that the complainant has received the amount from the

applicant the amount of fine imposed upon the applicant and deposited by him in the trial Court is directed to be refunded. In the result rule is made absolute in terms of prayer clause (a). Parties to act on authenticated copy of the order.

6.4.12.07